REMARKS

Applicants have studied the Office Action dated April 14, 2003. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-25 are currently pending in the present application. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested. In the Office Action, the Examiner:

(8-9) rejected claims 1-3, 7, 13, 15, 16, 21-23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (U.S. 6,337,911) in view of Gruse et al (U.S. 6,398,245), and in further view of Graunke et al (U.S. 5,991,399);

(11) rejected claims 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (U.S. 6,337,911) in view of Gruse et al (U.S. 6,398,245), and in further view of Graunke et al (U.S. 5,991,399) and in further view of CableVision (periodical);

(12-13) rejected claims 17 - 19 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (U.S. 6,337,911) in view of Gruse et al (U.S. 6,398,245), and in further view of Graunke et al (U.S. 5,991,399) and in further view of Horstmann (U.S. 6,009,401); and

(14) Rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (U.S. 6,337,911) in view of Gruse et al (U.S. 6,398,245), and in further view of Graunke et al (U.S. 5,991,399) and in further view of Horstmann (U.S. 6,009,401), and in further view of CableVision (periodical).

Commonly Owned Reference under 35 U.S.C. 35 U.S.C. § 103 (c)

Applicants submit that under 35 U.S.C. § 103 (c), the subject matter of Gruse et al (U.S. 6,398,245) cited by Examiner and of the presently claimed invention was commonly owned at the time the claimed invention was made, and that this effectively disqualifies the cited reference as prior art under 35 U.S.C. § 103 (c) for purposes of an obviousness rejection. See also MPEP § 706.02 (l) (3), specifically directing Examiners to check the assignment records to determine common ownership. Note that the cited reference Gruse et al and the subject matter of the presently claimed invention have been and are currently assigned to the same common owner, i.e., the International Business

Machines Corporation. Note also that the date of the Gruse reference is June 4, 2002, while the file date of the present patent application is January 20, 2000. The Gruse reference, accordingly, is being cited under 35 U.S.C. § 102(e)/103(a) for an obviousness rejection. Therefore, on this rejection basis discussed above, Applicants submit that the subject matter of the Gruse reference should be disqualified from relevant prior art under 35 U.S.C. § 103 (c) for purposes of an obviousness rejection.

Moreover, the Examiner attempted to combine Dillon (U.S. 6,337,911) in view of Gruse et al (U.S. 6,398,245), and in further view of Graunke et al (U.S. 5,991,399) and in further view of various combinations of Horstmann (U.S. 6,009,401), and/or CableVision (periodical), in an attempt to modify the base reference Gruse, for the obviousness rejection under 35 U.S.C. § 103 (a). With the Gruse reference being disqualified as prior art, Applicants will now respond to the Examiner's rejection by addressing the remaining references Dillon, Graunke, Horstmann, and/or CableVision.

As the Examiner correctly states on page 3 of the Office Action, *Dillon does not specifically disclose a double-encryption technique where the first encryption key is encrypted using a second encryption key"* and goes on to combine Gruse. With Gruse disqualified, neither Dillon taken alone and/or in view of Graunke, and/or in view of various combinations of Horstmann and/or CableVision suggest, teach or disclose a *double-encryption technique where the first encryption key is encrypted using a second encryption key* and independent claims 1, 7, 19, 21, and 25, and all dependent claims depending therefrom, distinguish over Dillon taken alone and/or in view of Graunke, and/or in view of various combinations of Horstmann and/or CableVision respectively, and the Examiner's rejection should be withdrawn.

CONCLUSION

The remaining cited references have been reviewed and are not believed to effect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification

purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if this would expedite the prosecution of this application.

Respectfully submitted.

July 12, 2004

By:_____

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